

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

ERASTO ARROYO BARCENAS; §
MELVIN AMADOR RODAS; IVAN RUANO §
NAVA; NOLIS LEYVA-GONZALEZ; JOSE §
CARLOS GOMEZ-COLORADO; JOSE LUIS §
DOMINGUEZ-ROJAS; MELVIN AMAYA §
ZELAYA; JESUS CURIPOMA; OSCAR §
SERRANO MARTINEZ; CHRISTIAN IVAN §
RUIZ-RODRIGUEZ; ISRAEL BAYLON §
ARELLANO; JOSE LOPEZ LOZANO; §
MIGUEL LOPEZ LOZANO; FRANCISCO §
VILLALPANDO RAMOS; CESAR GALINDO §
ESCOTO, §
Plaintiffs, §
Individually and On Behalf of the Class §
of Those Similarly Situated, §

VS.

Case No. 22-397

STEVEN MCCRAW in his individual capacity; §
GREG ABBOTT in his individual and official §
capacities; BRYAN COLLIER in his individual §
capacity; BRAD COE in his individual capacity, §
and KINNEY COUNTY, TEXAS §
Defendants. §

PLAINTIFFS' UNOPPOSED MOTION TO AMEND SCHEDULING ORDER

To the Honorable Judge Robert Pitman:

NOW COMES Plaintiffs, and moves the court and respectfully request an amendment to the Court's Scheduling Order [Doc. 51] and in support thereof Plaintiffs would show the Court as follows:

Plaintiffs Erasto Arroyo Barcenas, Melvin Amador Rodas, Ivan Ruano Nava, Nolis Leyva-Gonzalez, Jose Carlos Gomez-Colorado Jose Luis Dominguez-Rojas, Melvin Amaya Zelaya, Jesus Curipoma, Oscar Serrano Martinez, Christian Ivan Ruiz-Rodriguez, Israel Baylon Arellano,

Jose Lopez Lozano, Miguel Lopez Lozano, Francisco Villalpando Ramos, and Cesar Galindo Escoto (“Plaintiffs”) filed their Third Amended Original Complaint on May 25, 2023. [Doc. 49]. Defendants’ filed an Unopposed Motion to Amend Scheduling Order and a text Order was granted allowing Defendants’ responsive pleadings to be filed on or before June 30, 2023. Defendants timely filed their Motions to Dismiss [Docs. 53-56].

STANDARD OF REVIEW

“When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion if . . . a request is made before[] the original time or its extension expires.” FED. R. CIV. P. 6(b)(1). District courts have “broad discretion to grant or deny an extension.” *Salts v. Eps*, 676 F.3d 468, 474 (5th Cir. 2012) (quoting Wright & Miller, Fed. Prac. & Proc. § 1165). “[A]n application for extension of time under Rule 6(b)(1)(A) normally will be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.” FED. PRAC. & PROC. § 1165.

ARGUMENTS & AUTHORITIES

Plaintiffs respectfully submit this unopposed motion to amend the Court’s previous scheduling order, asserting that good cause exists to grant an extension in time for Plaintiffs’ Response and Defendants’ Reply to same. Good cause exists for the extension and unified deadlines due to the length and complexity of the Defendants’ Motions to Dismiss, as well as in the interests of economy and efficiency for the Court and the Parties.

As such, Plaintiffs propose the following dates:

1. Plaintiffs’ response to Defendants’ responsive pleading(s), if any, shall be filed on or before September 8, 2023.
3. Defendants’ reply in support of their responsive pleading(s), if any, shall be filed on or before October 9, 2023.

PRAYER

For these reasons, Plaintiffs respectfully ask the Court to amend the prior scheduling order containing the aforementioned deadlines.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

On this day of August 9, 2023, Plaintiffs served their Unopposed Motion to Amend Scheduling Order on the following counsel via ECF:

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s/Susan E. Hutchison
Susan E. Hutchison

CERTIFICATE OF CONFERENCE

Plaintiffs' counsel has reached out to Defendants' counsel regarding the filing of this Motion to Amend Scheduling Order and all are unopposed to the filing of this Motion.

s/Susan E. Hutchison
Susan E. Hutchison